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THE SECOND PART OF THE Ignoramus Justices:

OR

An Answer to the Scandalous

SPEECH

OF

Sir *W. S. Barronet*,

Spoken to the Grand-Jury at the Sessions of Peace held for the County of *Middlesex*, at *Hick's-hall*, On Monday the 24 of *April*, 1682.

TOGETHER

With several Remarks upon the Order of Sessions, for the Printing and Publishing the same.

Edward Whitaker.

By the same Authour, Edmund Rekstihw.

LONDON Printed for *E. Smith*, at the Elephant and Castle in *Cornhill*. 1682.

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I Will not ong ltrouble the Courtious Reader with a difcription of the Perſon that made this learned Speech, which is Sir *W. S.* And the very ſame Sir *Wm.*, which heretofore (as I am informed) in the late troubles was called Col. *S.* And though I love not to rake in Dunghills, or into the lives and actions of men, at any time, much leſs after ſo long an intervale; yet becauſe he himſelf hath been pleaſed to make the world ſo happy not only in the publication of that Excellent ſpeech, but alſo told us in *p.* 4. that he feels the ſmart of *Goldſmith's*

and *Haberdashers Hall* to this day, it may not therefore be amis a little to give him a hint of his Piety, when he was in the Station of a Souldier, that as in a looking-glass he may view himself now being a Justice (and as this is done as well to inform the world of the person and his zeal, for the cause of God in times past, as now he pretends by his speech both for the cause of God and his *R. H.* for time to come, so learnedly interwoven with Scripture Phrases, and larded with such Sentenses of Elegant Latine.) If this be the same *S.* that was called Col. *S.* in the late troubles he may remember and bless God for his great Conversion since that time; and if it be not painted Piety, that he now makes the world believe he hath, then he above all men, hath the greatest reason in the world to admire the free grace of God in converting his bloudy heart; for in those dayes, and in cool of bloud too, in the County of Bucks, he like as wicked *Haman* did against the *Jews*, gave this Councel to kill and destroy all the Gentlemen, Yeomen, Farmers, their wives and Children, without regard either to Sex, Age, or condition, in that Country; for fear that there being many in that County, as he believed would be of the other side, when they had an opportunity, and should take part against them. Now if this be the same man, his nature is mightily altered, for now his gaul goes no further, but that the Dissenters Purses should pay that shot he has so elegantly manifested, and if the standers by did not mistake his words, he both speak and meant that the Dissenters should be prosecuted for their money, to help pay the charge the King had been out, in the war with *Argier*, &c. and the building the 30 Ships, to save the Parliament a labour, which was a most ingenious Contrivance; but more of that in its due place; But whether this be the same Coll. *S.* or not; yet I am fully assured this is the very same Sir *W. S.* that the last *Westminster Parliament*, was had before the Committee for stoping, and hindring Petitioning the King, for calling of Parliaments, and therein abusing that law, he hath since owned by his late Abhorrencies, who was then heard to say, that he was falsely accused, for that he was so far, (good man) from offering any such violence to the Rights of the people, and Parliaments, that he protested his innocency with much more asseverations, then now in his grand speech, he doth his sincerity of obedience, to the King and the Laws, yet at that time, true evidence tells us, that the very same day, he made that so solemn protestation of his Innocency, the very thing he was accused of before the Committee of Parliament, was most evidently proved against him, and had not the Parliament been Prorogued, he might have met with as severe a Censure by the Parliament, as now he is pleased in his Oration to wish and urge,—for

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the Diſſenters; but more of this in its due place. And that very ſame Col. *S.*, not many years after the war was done, when the tide was turned, was the chief promoter in the County of *Bucks*, and other places, to procure Addreſſes to *Richard Cromwel*, and was then the moſt zealous and forwardeſt man in that Service. A mighty great ſign of his Loyalty to our preſent King, by which it ſeems his trade is Addreſſes. And the very ſame Col. *S.* did, as was moſt commonly reported, when he was Governour of *Chepſtow* Caſtle, for the King, find out a way to ſurrender or rather betray the ſame to the Parliament, without blows or force of iron or leaden bullets, *French* or *Engliſh* Crowns at that time being his Conqueror, the ſame Col. *S.* who was the Son of an Attorney, and being imployed either as Agent, or Steward, to the noble Lady *Cleveland* or *Wentworth*, being called to an account for high miſdemeaners in that Truſt, and being proſecuted in the Court of *Exchequer* for the ſame, in the time when the late Lord Chief Juſtice *Hales* was one of the Barrons of the *Exchequer*, the Baron having ſeen ſo much in that Cauſe, ſo evidently proved before him of certain frauds uſed by him gave this opinion of him in open Court: **That it was pitty the honour of Knight-hood ſhould ever be ſo blemiſhed as to be beſtowed on ſuch a Perſon, guilty of thoſe fowl things**; which that *S.* who ever he was beſt knows what the good Barons reaſon was for ſuch expreſſions. And I preſume if any perſon would be further ſatisfied, whether it be the ſame Sir *W. S.* he may be informed from the Records there, And if it ſhould prove to be their Chairman of the Seſſions, then the world may ſee what a kind of Loyal upright perſon we have to juſtifie and adhere unto, as the worthy order of Seſſions puts it, *Fol.* 11.

Theſe things ſhould not have been touched, although a deal more is due, had it not pleaſed the Juſtice ſo much to vindicate his uprightneſs and Loyalty. By this the Reader may ſee, the old cheat whores, will alwayes cry whore firſt, but if theſe be the men that his Majeſty muſt rely on, and which makes this buſtle and ſtir with Loyalty, in proſecuting Addreſſes and Abhorrencies, in what miſerable condition is that Prince that truſts them or their Loyalty, for can it be ſuppoſed that he that has Addreſſed to *Richard Cromwel* one day, will not Addreſs to the King the next, if that ſide be uppermoſt, and if to the King one day, why not to his Enemies the next day, if the wind change, for what hath been, may be, if he cannot be faithful to a truſt repoſed in him, of a private Eſtate and Concernment as a Steward, certainly he is a very unfit man to be entruſted with a publick one, if theſe be the conſcientious men Sir *William* eſteems then *Libera nos Domine.*

Page 1. But as to the Speech it ſelf, in the firſt place his Title is tranſcendent, and far out does the common way of giving charges to Juries. For in the beginning he tells us, he hath had the Honour to Diſcourſe the Country from this Bench, ſeveral times, well what then, why muſt it be a diſcourſe inſtead of a charge. I never heard of a Grand Jury that was ſworn to take notice of a Diſcourſe, but the Oath of Grand Jury men is to preſent all ſuch things as ſhall be given them in charge, as the Law directs. But what Sir *W* means by entring into a diſcourſe with them about other matters, eſpecially about how much will build a Ship, and how much his Majeſty hath laid out in the war with *Argier*, or to preſerve *Tangier* and againſt the *Indians* in *New England*, as in *page* ſecond is a moſt ſtrange thing to be diſcourſed to a Grand Jury, unleſs he would perſwade the Grand Jury to preſent the Parliament for not making up the damage, certainly that was his intent, though he will not make the Nation ſo happy as to ſpeak it out.

Well but then ſtill to the entrance into this diſcourſe, pray obſerve the method, firſt ſeek peace (good man) that is his aim, witneſs his earneſt endeavour to have Conventicles diſturbed, though his Majeſty and the Parliament thought it the beſt way to preſerve peace, was to let them alone, for that it was never proved nor can be proved that ever ſince the Act of Uniformity, they that go to Conventicles as he calls them ſeditious Meetings, did ever diſturb the Goverment, and if that be ſo, and that the only Church of *England* is that which is made by the Act of Uniformity, then ſure Sir *W.* Undermines and Acts againſt his own Expreſſions, for if they were never unpaſſable, why is there all this ado to make a diſturbance, but have patience Sir *W. S.* by and by will tell you all.

Well then in the next place he tells us page the firſt that nothing procures Wealth ſooner then Trade, it is well obſerved, and if the perſons that are Traders, and the greateſt Traders in the Nation, be hindred in ſerving of God according to their Conſciences, and for this ſerving of God only as they in their Conſcience believe they ought to do without diſturbing the peace of the Nation, muſt be torn in pieces, their Eſtates taken from them, and they put by their Trade, how ſhall the wealth of the Nation be preſerved, if he could have found out an experiment for this, his diſcourſe ought to have been writ in Letters of Gold, as well as repleniſh'd with Latin Sentences; well but he goes on, nor will any thing ſecure it better then Unity. If ſo, why then muſt the Neighbours of each others be forced to proſecute one another, to bing us into confuſion. Why

Sir

Sir *W. S.* tells you anon, and that is in plain terms, his ſenſe though not in words, the Nation can be better Governed without Unity, then with it: For the Juſtice tells you plainly that the King by his wiſdom and care hath hitherto preſerved peace without the help of Unity, for certainly (ſaith he) no Nation can be more devided then this: Well now, how will this agree together with what went before, which was that, Unity and Trade was the only way to peace, and yet now he tells us that the King hath a better way, for he can better govern without Unity, then with it, even for twenty years together. So then the conſequence is, Unity may be good, but no Unity is better, or at leaſt he thinks our King is ſo indued from above, that it is all one to Him to Govern with or without Unity, well then if it be ſo, the King hath Governed for theſe twenty years without diſturbance, though we are an United People and a divided Nation, as this Chairman tells us, what is the meaning then of all this buſſel now about conformity in point of profit to the *King*, when by his own ſhewing the Government hath received no prejudice.

Well but ſince Sir *W.* gives no better reaſon, pray let us gueſs his reaſons for once, and thoſe may be two or three, The firſt is there wants money to defray the publick charge, and to repay the King his own *page* 2. but that is but a pretence, the next reaſon the Papiſts and their Adherents would feign provoke the Diſſenters ſo far as to make them quarrel and rebel, a troubled water is the beſt for their turn, which they always live by and if they could but once blow up the flame ſo high (which God forbid) then they have gained their full point which they have ſo long been aiming at both, of covering their own helliſh Plot, and the rooting out the Peſtilent Hereſy, as Sir *W. S*'s brother was pleaſed to term it, and could they catch the Fanaticks by this bait, not only them but the whole Proteſtant Intereſt in *England* might be rooted up indeed, and then the Papiſts takes the Poſſeſſion of their Lives and Eſtates all at once, which is the thing driven at, as appears by all the Proceedings and manifeſt Declarations of ſeveral of our Parliaments, they were all of that mind that the chief deſign of the Papiſts was to ſet the Proteſtants together by the ears, well fore-ſeeing that Device.

And therefore both Lords and Commons ordered bills to be brought in, to Unite the Diſſenting Proteſtants all in one againſt the common Enemy the Papiſts, and made applications to the King, to ſtop all ſuch proſecutions as was acting againſt the Diſſenters. But a third reaſon is the vexing and perplexing the Proteſtants, may be a deſign of tiring them out, and by threats and vexatious Proſecution, to ſee if they can be forced to yield up their Reaſons, and when made poor, that they may

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be the easier made slaves and be compelled to, if ever there should be an other Election of Members to give their Votes for such Persons as instead of keeping out of Arbitrary Power and Popery by Law, will bring it in by a colour of Law, and if men do but observe the Transactions for these twelve months past in divers Corporations. It cannot but be thought that this is one of the main designes now on foot. For a great man not long since openly declared that the Country was not yet fit to choose a Parliament they had not smarted enough, and saith he, they are for Law, but replies to himself with an Oath they shall have Law enough, that is they shall have the form of Law, and tricks in Law, to make a specious pretence, but the designes is the easier to undoe them: and this is the Law the Justices intends, thoug they do not speak it, which I gather from an other passage from the same Sir *W. S.* at another Sessions, about nine or ten moneths ago. Councel coming to *Hicks's-Hall* to move the Court where he sat Chairman then, that the Commission of Oyer and Terminer might be read having something to move, which was not proper to be moved before it was read, it being for the making of a request for the Prisoners then in the Tower upon the Statute of 31 of this King. And the Chairman as well as the Justices being aware of it, made an excuse to put it off till the Afternoon which was only a trick or in effect, a modest denial, but when that time came, and the same request made, then another excuse was made, by the Justices, thatthough they had such a Commission yet they heard there was a new one Sealed, and so they thought it not safe to execute it, but that being inquired into was false, so by this trick the Commission was never read, and the Law was defeated, and the Justices so to elude the Law, used this trick, so those Persons who were then prisoners in the Tower was forced to loose the benefit of the Act that Sessions, which was made on purpose, that Justices and Judges should not dare but to deliver upon bayl, or try them as the Law directed.

Well but saith the Justice and his Associates that are resolved to adhere to him (*page* 11) This is but one Instance, and in that the Justices as to the law might be mistaken, it being a surprize upon them; for you hear the Justice himself in (*page* 2.) declares he knows not if it be against the Law or not, it is a sign Justice is come to a fine pass then in *England*, for certainly if he undertook that place of a Justice, he ought neither to pretend he knows not the Law, nor that he was surprized, for at that rate the whole County may be ruined. Well but to show Sir *W's*, Wisdom, Justice, and Conscience further, and his impartiality in a Sessions that was held before him and the rest of his Adherers about *August* last past, after the Grand-Jury was sworn, divers bills of Indictment were presented

sented to the Grand-Jury for to be found against certain persons of most wicked fame, for Subornation, Perjury, and such other Villanies as scarce ever was heard went unpunished, for they were Bills against a pack of Conspirators that had a design to have murthered divers Noble and Worthy persons in this Kingdom by Perjury, and Witnesses to prove those Bills was produced to the Court to be sworn in order to give their Testimony to the Grand Jury against those Villains, but this just upright Sir *W.* and his Associates stopped it in open Court, in the face of the Sun, and denyed the Witnesses to be sworn, till they had leave from the Attorney General, which certainly was the greatest stab that ever was given to the Common Law of *England*, and a perfect turning and altering the course of Justice, making the Law subservient, to protect the Guilty, and condemn the Innocent. This thing is of so high a Nature that no King in *England* ever did or dare attempt the same, or like it, publickly, what ever secret tricks may be underhand shewed, for this was not only to break the Grand Juries Oath, who are sworn to present all without favour or affection. And the Justices Oath who are sworn not to deny or delay Justice to any man, but forcing the King if possible but at least as much as in them lies to violate and break his Coronation Oath, that sacred Tye, and the fundamental Laws of the Land. And that I may not be said to speak without book, I shall here insert a Copy of the Judges Oath and give a short touch of the fundamental Laws of the Land established in this Kingdom, concerning the true Execution of Justice, and which the Kings of *England* are bound to observe by vertue of their Oath and the trust the people repose in them, and this digression I hope will not be amiss before we come further to take notice of the Speech.

The 29 Cap. of Magna Charta, which Magna Charta is no other then the Confirmation of the ancient Rights, Customs and Common Law of the Land, It is enacted, viz. No Freeman shall be Taken, or Imprisoned, or be Disseased of his freehold Liberties, or free Customes, or be out Lawed or Exiled, or any otherwise destroyed, nor we will not pass upon him or condemn him, but by Lawful Judgment of his Peers or by the Law of the Land. Magna Charta Anno 9. H. 3. Chap. 29

We will sell to no man, we will not deny or defer to any man either Justice or Right. Pray mark this last clause, and see how it suits the Justices refusing and stopping Justice, and with what impudence he dares do that which no King of *England* did or can do without violation of his Oath, and Laws of the Land, and yet now tells you of 9. H. 3. C. 29.

Loyalty and Justice, and you will find in the Statute made in *Edward the 3d* time, that by no Commandment whatsoever the course of Justice could be stopped.

Vid. *Rot.* Anno . *E.* 3. Chap 1.

The Title of the Act is this; No Commandment under the Kings Seal, shall disturb or delay Justice. Which Statute I shall Incert verbatim, as it is upon the Roll, viz. Item it is Accorded and Established, that it shall not be Commanded by the Great Seal or the Little Seal, to disturb or delay Common Right: and though such Commandment we send, the Justices shall not therefore leave to do right in any point.

See *Crook.* fol 317. *Eliz.*

There was another Record of 14 *Ed.* 3. *Chap.* 14. Intitled, there shall be but four writs of Search for the King, nothing shall hinder the Execution of Justice. In the last part of the Statute are these words, viz. Not that the Justices of whatsoever place it be, shall let to do the Common Law by Commandment, which shall come to them under the Great Seal or Privy Seal.

Vid. 11. *R.* 2. *Cap.* 10.

The 11 *R.* 2. Chap. 10. The same is again Affected that the Law shall not be stopped or Disturbed, and begins thus, viz. Item, It is Ordained and Established that neither Letters of the Signet, nor of the Kings Privy Seal, shall be Commenced forth but in Damage of persons of the Realm, nor in disturbance of the Law. By this it appears most plain, that by no Command of the King or his Ministers the Law can be stopped, It is true the King in some Cases, may pardon by his Prerogative, but to stop the Course of Law, though you have the Command of the King or his Ministers is point blanck against the Law, and tends to the overthrow of the Government, and that very Law which the Kings of *England* by their places are the Executioners of, for this land in all ages never knew any Government, but by their own Laws, and to which Laws the Kings who are Crowned in *England* doth sweare, and ought, and shall maintain otherwise let him be what he will, and who he will, he transgresses that Law that made him so, and his Ministers Judges and Justices of all sorts that either assists him in it, or Act by such Commands, shall account to the people by the Law of the Land, and reckon one day for it to their cost, for though it be a maxim in Law, the King can do no wrong which is meant as to his politick capacity, yet the Ministers and Officers that act under the pretence of his command, if it be an unlawful Act they do, though they are commanded by the King to do it, it shall be no excuse for them, for if the Kings Commands, or his Parents be not according to the Law, they are Null and Void, and the Person that Acts by

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such Commands, though he hath such pretended Authority, shall be punished for the same, with Life and Member as the crime deserves. And therefore our wise Ancestors foreseeing the mischief that corrupt Ministers, and Judges about the King might bring upon the Nation, always took care that within some convenient time a General Councel of the whole Nation should meet for to judg of matters, hear complaints, redress Grievances, punish Evil Councellors, wicked Judges, Officers, and Offenders who had wronged the King and People by such their foul practices, and pernitious Councels, well foreseeing that in a politick Body as well as in a Corporal Body, Deseases and Sembitick humours will ever be growing, and therefore must stand in need of good Physick and wise and honest Physitians to heal them, lest the Disease grows incurable: And therefore in all ages we find that our Ancestors took care that the people should meet together at certain times, sometimes twice in a year and oftner if need required As in King *Alfred*'s time, and the reason by the Records is given to keep the people of God from sin, and to do Holy Judgments, as you may see by our Law Books. See *Hornes* Mirrour of Justice, and my Lord *Cooks second* part of the Institutes of the Law of *England*. The words of the Law are these, viz. **That a Parliament shall be called at London twice every year, or oftner if need be to keep the people of God from Sin, that they might live in peace and true Religion, certain Usages and Daly Judgments.** Now of later years in *Edward* the thirds time, a Law was made that a Parliament should be holden once a year and more often if need be. See the Statute of the 4 *E.* 3. *Cap.* 4. which ordains, viz. Item, **It is Recorded that a Parliament shall be holden every year, once and more often if need be.**

Vid. *Hornes* Mirrour of Justice, Sect. 3. p. 10. *Cook* and *Littleton*. fol. 110.

4 *E.* 3. *C.* 14.

There is another Act made in the 36 *E.* 3. in these words, viz. Item, **For maintenance of the said Articles, and Statutes, and Redress of divers Mischiefs and Grievances which daily happen, A Parliament shall be holden every year, as another time was ordained by a Statute.** Now by these Statutes we may plainly see what is the Right of the Subject and the Law of the Land? Why it is frequent Parliaments to protect and preserve the Nation, without which it is impossible for either the King or People to be safe from violence, oppressions, and incroachment of proud and insolent men, which always was and ever will be designing to root up the Government, and the peoples Rights, and get them into their own Clutches, under the disguise of their serving the King in his own way. And if this be so that both these last recited Laws be yet in force, which I am sure neither the

36 *E.* 3. *C.* 10.

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wise Justice or any Judg of *England* that is a man of Law, can say they are not. And since we have been now without a Parliament, above one whole year, sure Sir *W.* in his Speech ought to have given some touch to the Jury, to present as a Grievance, and a Breach of the Law, the want of a Parliament, and it would have better befitted him to have discoursed about the Effluviums of the Mouth, and Haggs. And since we are governed by Laws, and our Kings are sworn to maintain them as we shall show you anon, and that we are sure our Kings receive the Crowns they wear from the Law of the Land. And that no King of *England* came into the world booted and Spurred ready prepared to ride his people to death, nor drop from Heaven in a Cloud, nor yet rise in a night like a Mushroom, but that he is the Ordinance of man [illegible] him, for their good, And that the Kings of *England* can deny their Subjects nothing in Parliament, that is for the publick welfare as appears in the latter clause of the Statutes of provisoes made in the 25 year of *Edward* the 3, and since the Justice is pleased to say *page* 1. that it is high time to speak plain English, methinks he could not have spoken better English then this, that the want of a Parliament is the greatest mischief this Nation now groanes under, especially if his own words are true that we are a miserable devided people, what means can better be found out to unite and help us then the Parliament, where every mans complaint may be heard, and where the King is most powerful to Redress, which is no where so great as in the High Court of Parliament, but to justifie what I have before propounded, or rather asserted that Justice cannot be stopped, either by the King, his Ministers, or his Judges on any other pretence whatever I shall here add to what hath been said, a short branch of the Statute of Provisoes, and the Coronation Oath, which plainly shews that our Kings are so by Law and not otherwise of Divine institution, then any other man in such Station as God calls them to, for every man in his several calling, may be said to be by Gods permission and allowance, in some way or other, as much as Kings in their way of Government, which appears plainly by the Text the Justice hath named, to wit by me Kings Reign, but with his good leave, the Law choose them or else they come by force and are Tyrants and that will appear not only by our Records of our English Government, both in the altering and translating of the Crown from one to another in all ages, by Act of Parliament, but in holy Record too, though we are not under the same Dispensation the Jews were under, yet the Scripture tells us they choose and made their King, See the 2*d.* of *Kings Cap.* 17. *ver.* 21. The words are, *And they made Jeroboam Son of Nebat King*, and though the prophet did anoint

25 *E.* 3. *C.* 1.

anoint *David* to be King, yet all the people met together to make *David* King, and so in divers other places, but I think *Jure Divino* is so far out of the case, that it would show in the Author as much Ignorance to spend time to make Arguments about so vain and foppish an assertion as it will be if the Justice should the next Sessions spend his time in his Discourse of catching of Conticles in a Warren he is well acquainted with.

In the Statute of Provisoes the Parliament there asserts these words, viz. **The Commons have prayed our Lord the King, that since the Crown of England, and the Law of the said Realm is such that upon the mischief and damages which happen to this Realm, he ought and is bound by his Oath, with the accord of his People in his Parliament, thereof to make Remedy and Law in removing the mischiefs and damages which thereof ensue, that it may please him thereupon to ordain remedy.**

The King in the same Statute Answers the Prayer of the Commons and saith **by his Oath he is bound to it**, which Statute may be read as leasure, to this plainly agrees the Kings Oath at his Coronation, viz. *Rit Parliament 1 H. 4. Num. 17. Forma Juramenti solit & consueti praestari per Reges Angliae in horum Coronatione.*

Servabis Ecclesiae Dei cleroque populo pacem ex integro & concordiam in Deo secundum Vices tuas.

Respondebit, Servabo.

Facias fieri in omnibus Judiciis tuis, equam Rectam Justitiam & Discretionem in misericordia & veritate, secundum Vices tuas.

Respondebit faciam.

Concedis Justas Leges & Consuetudines esse tenendas & promittis per te eas esse protegendas, & ad honorem eas Corroborandas quas vulgus elegerit secundum Vices tuas.

Respondebit Concedo & Promitto.

Adjiciuntque praedictis interrogationibus quae justa fuerint pronuntiat usque orbus confirmet Rex se omnia servatur sacramento super altare, praestito coram Cunctis.

By which Oath we may perceive the Kings of *England* are bound to keep all Laws, and to grant, fulfil, and defend all rightful Laws which the people of the Realm shall choose, and to strengthen and maintain them, the Chancellor and Ministers about him are sworn to give him true and faithful advice, the Judges are sworn to advice the King in point of Law, and to Administer the Law indifferently between the King and his Subjects, which Oath begins thus, viz. **An oath of the Justices**

being

being made in the year of Edw. the 3d. in the year 1344. Ye shall swear, that well and lawfully ye shall serve our Lord the King, and the people in the office of Justice, and that lawfully ye shall Coucel the King in his business, and that ye shall not Counsel or Assent to any thing which may turn him in damage or disherson by any manner way or culler, and that ye shall not know the damage or disherson of him, whereof ye shall not cause him to be warrented by your self or by other, and that ye shall do equal law and right to all his Subjects, rich and poor, without haveing regard to any Person, and that you take not by your self or by others, privately, or apertly, gifts nor rewards of Gold nor Silver, nor of any other thing which may turn to your profit, unless it be meat or drink, and that of small value, of any man that shall have any plea or process hanging before you, as long as the same process shall so be hanging, nor after for the same Cause, and that ye take no fee as long as ye shall be Justice, nor Robbes of any man, great or small, but of the King himself, and that ye give no Advice or Counsel to no man, great or small, in no case where the King is party, and in case that any, of what Estate or Condition they be come before you in your Sessions, with force and armes, or otherwise against the peace, or against the form of the Statute thereof, made to distach execution of the Common Law, or to menace the people, that they may not pursue the Law, that ye shall cause their Bodies to be Arrested, and put in prison, and in case they be such that ye cannot arrest, then that ye certifie the King of their Names, and of their misprision hastily so that ye may thereof ordain a condeneable Remedy: And that ye by your self, nor by others privity or apertly maintain any Plea or Counsel hanging in the Kings Court or elsewhere in the Country: And that ye deny no man Common Right by the Kings Letters, nor no other mans nor for none other Cause: And in case any Letters come to you contrary to the Law, that ye do nothing by such Letters: but certifie the King thereof, and proceed to execute the Law: Notwithstanding the same Letters, and that ye shall do and procure the profit of the King and of his Crown with all things where you may reasonably do the same: And in case ye be from hence forth found in default in any of the points aforesaid: ye shall be at the Kings will Body, Lands, and Goods: thereof to be done as shall please him: As God you help and all Saints.

Now

Now having given you the Oaths, as the Law hath setled it, I shall add one Statute more to shew how careful and diligent our Ancestors were to preserve this Nation from Arbitrary Power, not only in the King, but also in Judges and Officers, that we might not be enslaved and opprest by the Judges, under a colour and pretence of Law. And that is the Statute of 20 E. 3. The Title is, viz. The Justices of both Benches, Assises, &c. shall do right to all men take no fee but of the King, nor give Councel where the King is party. 20 E. 3. cap 10

First we have commanded all our Justices that they shall from henceforth do equal Law and Execution of Right to all our Subjects rich and poor: without having regard to any person, and without omitting to do right for any Letters or Commandment which come to them from us: or from any other, or by any other Cause: And if that any Letters, Writs or Commandments come to the Justices, or to others deputed to do Law and Right according to the usage of the Realm in disturbance of the Law or of Execution of the same or of Right of the Parties: The Justices and others aforesaid shall proceed and hold their Courts and Process, where they please and matters be depending before them: As if no such Letters, Writs, or Commandments were come to them: And they shall certifie us and our Councel of such Commandments which be contrary to Law as aforesaid, and to the Intent that our Justices shall do even right to all people in manner aforesaid, without more sad our shewn to one than to the other. We have ordained and caused our Justices to be sworn: That they shall not from henceforth, as long as they shall be in Office of Justice, take Fee nor Roab of any man but of our self, and that they shall take no gift or reward by themselves, nor by others privily or apertly of any man that hath to do before them by any way except meat and Drink, and that of small value: And that they shall give no Councel to great men or small: And in Case where we be party, or which do or may touch us in any point upon pain to be at our Will, Body, Lands, and Goods to do thereof as shall please us in case they do contrary.

Here is another Record of *Parliament* in the 11 *H.* 4. worth taking notice of, which is not in *English* viz. Vid. Rot. Par. 11. *H* 4. Nov. 28.

Item que nul Chancellor, Treasurer, Garden del Privy Seal, Councel a le Roy, Serjeant a Councel del Roy ne null outer Officer, Judg, Minister le Roy, per nants fees ou gages

de

de Roy pour lour Ditz Offices ou Services preigne en nul manner en temps a venner ascun manner de done ou brocage de nulluy pur lour ditz Offices & Services afair sur peine de responder ou Roy de la treble que essint preignone & de satisfiee & pungs al volunt le Roy & soit discharges de son Office, Service & Councel per toutz jours & quet hescan que voiera pursuer en la dit matter & lascule cibien per le Roy come pur luy mesme & cit la treice part del somm de que la party est duement convict, &c.

Having given a little touch of the Old Law, and what our Rights are I shall now return to our Speechmaker. In page 1. he tells us we are divided in two Churches, the Church of *England*, and the Antichurch which are the *Dissenters*, and that of all sorts, and to be playing with the Scriptures, he calls the *Dissenters* Devils, nay Legions of Devils. Why truly a man might have expected as fair quarter from a Turk or the Indians, nay from the Papists themselves, for they do but account the *Protestants* of all sorts *Devils*, and why Sir *W.* should so far oblige them who himself hates a *Papist* is very strange. But by this the *Dissenters* may see the Justices of *Middlesex* Christianity towards them, whatever the King and Parliaments opinion of them was a little before.

Well but in the next place, he tells us the reason why he esteems them so, and that is one of them obey the King and his Laws, and the other do not, which are the *Dissenters*, these Devils and well may he term them so, for he tells us that they torment the Government; in the next place he tells them they dishonour the King, and defame his Government by those Pamphlets which go about the Town, in which certainly the Justice read his Name, or else he would not have condemned a whole Body of Men, or a Legion of *Dissenters* for they are many, for writing of Pamphlets, when it is not, I dare say, in his power to prove that any one *Pamphlet* he means was ever writ or published by a *Dissenter* from the Church of *England*, Established by Law: Now if the Justice will here undertake to condemn me without proof, and such a number of Men: Why then I must take leave to say: It is somewhat like their late Warrants sent out to summon in Constables to turn Informers, and when the Constables did not approve of that Imployment was for their Disobedience bound to the Good behaviour, and fined Twenty pounds, which afterwards was lost when a *Certiorari* came.

But

But yet some further Answer ought to be given, as to the Dissenters tormenting the Government; he cannot I am confident shew in what any of them do torment the Government, unless it be in not going to Church: Pray ye, Mr. *Justice*, and if it shall please you, how can that be such a torment to the Government now, more than it hath been all other times? hath the Government any loss in the Revenue by it, or any wounds given? Or is it the tender Conscience of the 26 Bishops that is so tormented for the souls of these poor, miserable Dissenters? if there be nothing else in the wind, no Rebellion nor Theft, nor Murder, why then where is the great torment to the Government? Do any of the Dissenters break the Laws more than the Churchmen? Do not the Churchmen break more? If so many for instance, and if it shall like your Worship, Firstly it is true, the Dissenters are stubborn Rascals, some of them at least, they will pray for themselves, and in their own way, and worship God according to the written Word, as near as they can go, and will not come to Church. Now it is granted, in doing of this, they break the Act of Uniformity; to ballance that, you Mr. *Justice* knows that many of the Church of *England* Loyal men, as good as ever pissed, will be drunk sometimes, and pretty often in a week; now let one against the other, if you please. Then the Dissenters break another Law, they go to Meetings, contrary to another Act, well, but you knew, Sir, sometimes they pay dear for it, as people say at *Bristol*, &c. But if that do not serve turn, there are many of the Church of *England* good Loyal men, will swear and damn most confoundedly sometimes, which is expressed against the Act, and the Law of Christianity too: now Sir, here is a *Roland* for your *Oliver*: and methinks the Justices of *Middlesex* might have been so conscientious, as to have discoursed something of the breach of these Laws, as well as altogether upon the poor Dissenters. There is another Law the Dissenting Ministers break, which is the Act for living within five miles of a Corporation; to answer that, the Conformists notwithstanding the Act of Non-residence at their Parish Church, yet many of them Loyal Churchmen scarce ever come at it, except for their Tythes. Now Sir, I would have you give me leave to tell you one plain and homely story, and so end the first Page. There was a Wench at *Ireland*, had been with a Priest at Confession, and being there, freely uncased her self of all her sins to the Priest, which proved very great ones, and something astonishing to the good man; the first was, she confessed she had been a great Thief, the Priest replyed that was very bad and a great sin, but saith she, I gave so much money to the poor afterwards; well quoth the Priest put that to that, the next was, she had been

a great Whore, whereat the Priest started being amazed thereat: but said she, oh Sir, but I did such a Pennance such a time, and fasted so long; well then said the Priest put that to that: another sin whereof she confessed her self guilty, was the wronging of her Parents, which was a bad sin too; but said she, my Father and Mother were Hereticks: well then said the Priest put that to that. The next day the Priest coming again to see his child, and asking her how she did, she replyed smilingly, well I thank you Father, she still smiling at him occasioned by a wart the Priest had upon his Nose, and he being urgent to know the cause of her smiling, she at last, after craving his pardon, with a promise not to be angry with her, told him, Sir you have a wart upon your Nose, I saith he, so I have, and I have another upon my Ar——, put that to that, Sir, as you did yesterday. But now I the hope Courteous Reader will pardon this slip, though I leave Sir *W.* at his pleasure. In *page* 24. Sir *W.* tells the Jury, that the Conventiclers had abused and reviled those officers and others who in obedience to their Commands have endeavoured to put the Laws in Execution: if the Dissenters have done so, they are highly to blame; but if neither himself nor all his fellow Justices can shew wherein they have so abused or reviled them for doing their duty, sure then the Dissenters have great cause to say Sir *W.* is not sure any of them hath so done, because he neither names the person that did the fact, nor wherein the abuse was done; some of the Standers by I am told was of opinion Sir *W's* meaning was the Constables, and the Pamphlets called Order of Sessions was, what he meant, or the Answer to them: now if his worship would be pleased but to explain himself, both as to the persons and thing he speaks of, he would highly add to his former merits; otherwise we are like to be in the dark still, notwithstanding his state of convallency.

But Sir *William* goes on *page* 2. the question he askes is, he would know of any sober thinking man, which of the two parties his prudence would invite him too, whether those under his Majesties, and the Laws Protection, or to that party which leads through Briars and Thornes, which I suppose he meanes to be the Dissenters, if so, then I must tell him that the Laws do equally Protect both the one and the other, and for him to start such a question under his favour, is no less then to tell the world that his Majesty will protect one and not the other, and since Sir *W.* is resolved to pun upon the honest plain Country Jury-men that hath not been used to be so accosted by such Rhetorick heretofore, it may not be amiss to sift this part of the Speech a little further: In this page, he tells the Country men of slippery places where they shall never be able

to

to ſtand their groud; but what ground he means, is kept ſecret, and therefore we can't gueſs at the meaning, which is ſuppos'd to be this Gentlemans Grand-Jury men, and all that hear me this day, I tell you I am a thinking man, I think of the times paſt when I was a Col. and how I behaved my ſelf in *Richard*'s time paſt, when I Addreſſed to him, ſwimming then with the Tide, I was ſafe, I ſcorned that pittiful thing called concience. I alwayes trod upon ſure ground, and in frothy, hard weather tho' the wind blew never ſo hard, yet I always ſheltered my ſelf under ſome penthouſe, though it was but a thatched Cottage; I would never deny my ſelf in any thing, but whatever *Richard*, who then Reigned *de facto*, though not *de jure*, did, yet I was the ſame to him as I pretend now to the King; and I ſtood by that means faſt, and by that meanes I ſtand faſt now; and ſo may you grand Jury-men, if you will but think on me, you never need fear treading upon Knives or Razors; for what ever Card turns up Trump; I have a Knave at all times ready, both in heart and hand: And therefore you thinking Grand Jury men, remember me, and be ſure to take care of ſelf-preſervation, and be obedient to me, and preſent theſe unthinking people that do not know their own ſafety: But to proceed in this, *Page* 2d. here is ſo much of excellent Variety, and depth of Wiſdom, that it ſeems wonderful, eſpecially if we conſider the State matters here in this page ſet forth, and that is, he not only tells us of the expence of money his Majeſty hath been at, as was before hinted, and the benefit like to accrew to Trade by the peace with *Algier*, and the *Turkey* Trade; but he ſeems to underſtand the whole ſeries of all the State affairs of the King, as a great and learned *Privy Councellor*; For he tells you that ſome had the impudence to report that *Tangier* was or would be ſold to the *French* King; how was it poſſible the Juſtice ſhould know that, except he were of the Cabinet Councel at home, or the *French* Kings Councel abroad? For he doth not ſay he heard it was reported to be ſold, or would be ſold, but that ſome had the impudence to ſay ſo, and this muſt be certainly to himſelf it was ſpoken, or elſe he deviſed it, for he cannot produce his Author: but that which may cauſe a further belief of his being a Courtier, and in the moſt deepeſt State of affairs, is his telling us in the ſame page, the very exact quantity of money the thirty Capital Ships will coſt more then the *Parliament* did give, which is thus; the King was forced to advance 100000 of his own money; now it is a very great wonder that this Juſtice in ſuch a capacity not being a Ship-wright, ſhould exactly know theſe things, if he be not either a *Privy Councel*, or one of the Treaſury: and that which makes it a wonder how he comes to know the exact charge is, that yet all the thirty

Capital Ships are not built, and some of them not so much as begun to this day. But I suppose Sir *W.* did not speak from a Command he had, but to shew his zeal to raise the 100000 l. that would be wanting when the Ships were done, or rather that he might have one fling at the Parliament for being so absurd as not to compute their Matters right, nor give money enough; for Sir *W.* always hath a good wish, or a good wrod, for the Parliament *since he was summon'd before the Committee.* Well, but now in the third page he tells us the whole Charge the King haht disburs'd, is about 800000 l. which ought to be paid him by the people for whom it was disburs'ted; and that the Establish'd Revenue will not ballance the necessary Charges of the Government, and where shall the accidental charge be born? I am confident the King never bid him put such a question to the Grand-Jury, for this reason, because he well knows, they nor their whole single County cannot do it if it were lawful for Loans, or Ship-money, or Privy-Seals to go about the Country again, as was done by the wicked enemies of the King and Kingdom heretofore, to keep off Parliaments, that they that had acted Roguery and Villany in the Intervals in the late King's Time, might not be called to account, which in all probability is the design of this Justice if he dare speak out; and that he can mean no less seems most plain, for what should he else tell the Grand-Jury of such things as these which they have no conutance of in the least: and for the Justices saying he hath heard in the House of Commons that the Revenue will not defray the charges of the Government, it is most like he hath. For the Reader may please to remember, that Sir *W.* was one of that long Pentionary-Parliament which was always free of giving, what some of them was hired to give, as appears by the Votes of another House. And may it not well be conjectured now from his experience he pretends in the Revenue of the Crown, as he seems to intimate to us, that either he is, or would be Lord Treasurer, or at least one of the Commons very shortly by this Speech, Howsoever, sure, he cannot miss of some great place of Trust in the State, because he likewise is pleased in this third page to tell us not only that the Subjects ought to pay it with Interest and with thanks, but they had done it before now, if the Dissenters and Differences that are among us had not prevented it; and wise men lay it upon the Conventicles being suffered; thus he hath hit the point certainly, and now we come to know what is the reason all of a suldain the Conventiclers and Dissenters are disturbed, which we never knew before, and that is, the King hath disburs'ed a great deal of money, and the Dissenters will neither pay it themselves for the benefit they enjoy of the Conventicles, nor will let others pay it. If this be

so

so, then 'tis no wonder at this eager prosecution, and this inciting Speech to stir up the Jurors; but how comes it to pass it was not found out before, that the Conventicles hinder'd the King of his money disbursed? Is it not known both to thinking and unthinking people, that when the greatest Gifts and Sums of Money that ever was given the King that now is, there was as many Dissenters and Conventicles as now, and that at all times they instead of hindering so a good a Work ever paid their shares very chearfully, witness the great Tax 2500000 l. at once, and 1200000 l. at another time in the Pensionary Parliament, and other Sums since. And for the venom and infection of the Conventicle Preachers as he is pleased to call them, it cannot be proved that they have ever preached or taught Sedition, either in those Times, or now; much less to come within the compass of the Act the Justice seems to hint at, and the Act of the 17th of this King if there be any such, was as much violated then as ever it hath been since; and it doth not appear, nor can by any art the Justice can use, that ever the Dissenters or Conventicles did either preach or pray against Gifts and Grants of money to supply the King's Affairs, especially when the good of the Nation required it. And without doubt those Dissenters and Conventicles are, and ever were as ready with their Purses to serve the King and Country as any of the Abhorrers ever were, or ever will be, notwithstanding their Heroick expressions. But yet to bring in Popery, or support Popish Designs, the Dissenters will not whatever the Abhorrers may yield to. It is true, in some of the *Gaols* great promises and assurances, have been lately made, to stand by the King with their Lives and Fortunes, and their Purses to be ever at the Kings Command: And not onely so, but have by their Abhorrences declared their Resolutions to choose such Members for the next Parliament as his Majesty shall approve of. Now if these stubborn Fanaticks would have been so mannerly as to have done that too; then it is more than probable that all this prosecution against the Dissenters in the Justices opinion might cease too. And it cannot be any wonder that the Abhorrers should promise to assist his Majesty with their Purses, for they have nothing to assist the him with, but what comes from the King either in Places or Gifts. Well, but after all tho'; sometimes the Justice is for the Divisions to be made up, that the King may be repaid with interest, and therefore saith, it is high time to do it, yet that must not be done by giving any grains of allowance to the Dissenters side at all, or to bear with this weakness in things indifferent, or to make any step of compassion towards them in leaving off one small Ceremony or sin out of the Church of *England* to win them,

no

no not for the whole World, and all the Dissenters souls to boot; but the unity the Justice would seem to aim at is, that whatever the Churchmen of *England* say the Dissenters must do, that must be done, or else stop their mouths; the Dissenters infectious Breath will undo us all, and and give us the Plague, besides want of money; therefore Instead of any condiscention to them, stop their mouths with the Act of the 17th of this King, least they grew too formidable. Here is the Union the Justice but now talked of in his third page; O rare charitable Justice and good natur'd man!

Well, but what if Sir *W.* should be out in his Politicks; that the way to Union, is to force it by devouring the Dissenters by penal Laws; now I am apt to think he is out, if he will but give himself leave to recollect himself a little as to History, both sacred and prophane; and let him but show in any one place that ever the force of the Civil Magistrate, or by any one force of Arms in the whole world in matters of Religion, it ever prevailed, or effected such an end as Sir *W.* would make the world believe he aims at; the Scripture tells us, have a care lest you be found fighting against God; and advises to let the Secrets as they were called by the Jews and the Pharisees in the Apostles Time alone; for said a wise man among them then to the Councel, have a care what you do, if this be of God it will stand, if not it will soon come to nought: All that ye do against them will come to nought if they be of God; for Religion is neither to be played withall nor affrighted from; and it commonly thrives best when the Enemies of it do most industriously oppose it. God's Justice hath a longer reach Mr. *Justice*, than the fingers of the King, or the Temporal Law, more than you are aware of; therefore it may be that all your malice can amount to, will be so far from rooting up the Dissenters, and stopping the mouths of their Teachers that it may rather increase than decrease; and it may be as far out of your power to hinder it, as it was once out of your power to keep *Richard Cromwel* in the Chair after you had taken so much pains in addressing him: And for your fear of the Dissenters being formidable to the Government, as you say in this page, if they be so formidable in their help to support the Government with their Persons, and Purses as heretofore they have been in Restoring His present Majesty, then sure there will be no great terrour upon the Government from them, be they never so formidable. And for what you are pleased to say they are a Herd of Swine, that when one being chased all the rest go and condole, pray where is the evil of that, if it were so? but I have been otherwise informed that they are not so kind and natural one to the other,

How-

However ſince you have ſo compared them to ſwine, and ſince it is their nature, as you ſay, to condole one with another, when they are all chaſed, I wiſh that part of your Speech were true, that theſe Diſſenters will make your words good, and ſtand by one another in Righteous and good things, to oppoſe the wicked malice of their enemies, who daily watch, not only for their goods and eſtate, but for their blood too, could they have but an opportunity once put into their hands; which as is ſaid, you, and the reſt, Sir *W.* of your fellow Juſtices, were indeavouring after, when a Petition was by you preferred, that the Sheriffs of *Middleſex* might not be choſe by the City; could you Sir *W.* and the reſt of your crew, but have got that either by hook or by crook, you would no doubt have ſtopped all their mouths, having before ſettled your Evidence ready for the purpoſe. But Sir *W.* do but have patience and keep the *Iriſh* cattle together a little longer, and you do not know how fortunate you may be after Midſummer day next; and then have at the Beaſts at *Epheſus*, theſe unreaſonable Diſſenters that will not believe their Mother the Church, nor pin their faith upon the Crape-Gonorum: Thus our Barronet lays about him in this Page againſt theſe hoggs, beaſts and unreaſonable men, now is it not a pitty this Gentleman had not acted in Doctor *Sprat*'s place the other day, and *Sprat* in his; if it had been ſo, I am confident the Knight would have done more in the work of converſion by his Speech to the Artillery men, than the Doctor did for the word of the Apoſtle, and the very names of unreaſonable men and wild Beaſts would certainly have ſounded very ſweet to that Auditory, for the Doctor took all to be unreaſonable men that refuſed to dine with them that day, and yet dared to eat their dinner together the next day in another place than where the D. was. And if the Doctor had but ſpoke half ſo much as a Divine to the Grand-Jury about Hoggs and Religion, the Jury could not for ſhame but have believed him, becauſe he hath authority to ſpeak Scripture: But what authority the Juſtice had to ſpeak ſo to the Grand-Jury, when he was not in Orders, is not yet known; and it is well if the Church do not take him to task, for medling with that which did not concern him, and which indeed is another man's trade, and it was the Juſtice-trade, to have preached the neceſſity of buying ſwords to ſuppreſs the Diſſenters, and keep their mouths ſtopped: well but before we leave this Page, we ſhall find out Sir *W*'s Religion, I dare lay a groat on't; for he tells us in plain *Engliſh* now, what I did but ſuppoſe before, that he was once on the other ſide; for, ſaith he, there are not more unreaſonable men, than ſome we have in *England*. I have heretofore had an indifferent good opinion of the Diſſenters, I thought they had

been

been as they pretended, a peaceable sober sort of People, and that they had desired nothing but liberty of Conscience, and Indulgence. So then once by his own shewing, he was of another mind then now he is? Well, what changed him in his discourse in this place. it must be because of the unreasonable men that are in *England*; but he forgets to tell us who they are, and wherein it appears so, but if you believe himself, the unreasonableness of some men, is the main reason that makes him now, not of the opinion he was before, and that serves him well enough for an excuse. But how was he mistaken about their being a sober, quiet sort of People? what hath altered his mind? have they been unruly or unquiet, more then himself, have they done any evil to the Publick now, more then they did before, when he had his good opinion of them? nothing of that can appear. But to be plain, in the *4th. Page* he tells you what hath altered him, why it is his tenaciousness that the Dissenters aim at Dominion, and therefore he cannot have any longer a good Opinion of them, but still this is but to excuse himself by loading of others with such untruths, as there is nothing the least colour for it, nor was ever proved against them, unless he means by Dominion, that the Dissenters will have the Dominion over their own Estates, and Families, and not suffer others to have it from them, without better Warrant from the Law then any this *Ignoramus* Justice can shew to the contrary; for the Dissenters do think they may with as much Law and Justice defend their Liberties and Properties, as the Justice may find Law to compel them to conformity in point of Church Discipline. But now the Justice must have one flout or fling at tender consciences in this *Page*, or else the fat will be in the fire, and no wonder at all, why he cannot let that alone, the reason may be because he having lost his, if ever he had one, is something like the Devil, that hates man, because he is in a better State then himself; otherwise sure he would not mock and jeer at tender consciences and liberty of conscience, as if their were no such thing left, but all was a piece of Pagentry like my Lord Mayor's show, as he saith, to draw the Eyes of Spectators upon them. The Justice may know it is dangerous to meddle with Edge tools.

But

But to proceed, the Knight tells us, *He met with a Pamphlet the other day, wherein he read a Ticket to a Feast at the two Halls.* The Pamphlet he means, I suppose, may be the *Gazette*, which forbids, under the pretence of Authority, the seditious Design of dining together at *Goldsmiths Hall*, &c. in regard his R. H. was not to be there, or because they intended to be merry without a Licence from the Court. Truly it was a horrible Design of those Whigs, to offer to eat together, and give God thanks for Mercies, and not first consult the Stars, or the Court at *Milbank-Hall*. And that which more affrighted the Loyal Party was, there were no less than thirty odd *Affidavits* produced, or intended in due time; which made it appear, that all the Pye-crust was Walls, Batteries, and strong Fortresses, within which were hid all sorts of Warlike Provision, Blunderbusses only excepted. And most certain it is, this was the most desperate Association that has been these many Years, fit to be abhorr'd in the next Return, when those now upon the Wheel shall be spun out; for as the Justice tells us, *It is like the old Way of Associating, or Blowing a Trumpet before a War.* But the Ticket-Feast at *Merchant-Taylors Hall*, was not half so dangerous, tho the Text was, *Sell your Garments, and buy a Sword.* Nor had the Apprentices Feast, with the four Bucks, and the Tun of Wine, the last Summer in *Cheapside*, any evil Intent at all, only a good Example for their Masters, to huzza, drink the Pope's Health, and bid defiance to their Masters, so long as they were let on work by some of their Masters Masters, not to be named. Well, for the present be it so, till it can be better; however, sober, thinking Men may remember these Things without offence, I hope, as well as the Justice the two Hall-Feasts by Tickets.

Now in the fourth Page, he further tells us, *To associate by Tickets is an old Way; it looks like blowing the Trumpet, and making Proclamation. (Who is on my side? who?)* And by the Words which follow this Sentence, he makes it to be a *Cavil's* Rebellion, which was, Murmuring against God. Therefore it ought to be considered, what ground there is for this severe Charge, as to its being an old way to associate by Tickets. Now it is true, every Year, not only the Loyal Artillery-Company do feast, and associate by Tickets; but divers Citizens, who were born in such and such Counties, do also every Year by Tickets associate together to feast, in remembrance of their County: And no notice was ever taken of it before, that such a thing was Rebellion, or a Murmuring against God or the Government. But the Justice (I presume) takes it, they may feast any where but in those infectious Halls, or else he would not have condemned in one, what is often allowed to others.

Well, but there is something more to it yet, and that is, The Ticket expressed, to thank God for delivering the King and Kingdom from Popery; and this was that which spoil'd the Feast. Besides, these Men there were to be of it, had forgotten to invite the D. of Y. and were not for abhorring a Thing of Rags, or a Cipher in the Air, of their own setting up. And for these Men to meet, was not to be born withal. But how it looks like Rebellion, is yet uncertain; therefore the Reader must see for himself; for at present we are in the dark. But the Justice, in this Page too, tells us, *It was a making of Parties.* He ought to have considered it well before he had spoke such unadvised Words, for certainly, would he, and the rest of his Associates, but consider how industriously they have laboured to make Parties, by casting Addresses and Abhorrencies throughout *England*, not only against a Fiction of their own Brain, but against Parliaments themselves, as most manifestly appears by the wording of their Abhorrencies: For tho they are so modest, as not to express their abhorring Parliaments in Words at length; yet they have abhorred the Votes, Resolutions, and Actions of the best, wisest, and richest Parliament, that ever *England* had: And some of them not only grin at them privately, but have traduced them, as if the very House of Commons were all Rebels themselves against his Royal Highness. And tho those Abhorrers, the most of them, have not dared to give the House of Commons the Lie; yet some of them have told us plainly, that they will never chuse such again, as shall act contrary to the Interest of his Royal Highness. But that which shews these Fellows to be Knaves as well as Fools, is, They always bark and spit their Venom behind the Parliament's Back, which is a good sure way; but never dare say any thing when they are sitting, but, Rogue like, run away. Yet let them have a care, there will come another Parliament, whatever these Fools are made to believe; tho it is not doubted, but those that set them on work, dare abuse those abhorring Rascals, there never shall be any more Parliaments to call them to account, and that all is their own. But let such know, it is this Nation's Right to have Parliaments, and a Parliament shall come within these Years, by a Law made in this Kings Time, and they must sit too, if these Abhorrers do not get Popery established before that time, which tho they labour hard for, yet they may be deceived. But if a Parliament should come, as certainly it will, then they that drew and contrived these Abhorrencies in Papers for them, will run away, and leave the Gentlemen in the Lurch, as *Roger L'Estrange* used to do: And then we ten to one, but *Moses*'s Rod, the Justice tells us of in this Page, will be allow'd to the Egyptian Magicians Rods, which

have

have devoured and abhorred Parliaments, and their Proceedings; and the King's Rod, that the wise Justice would lay upon the Dissenters Backs, may chance to light upon his own, and his Affociates.

But if the King and the Law, the Justice tells us, *cannot reach the seditious Men, Divine Justice may.* In Answer to that, I shall only say this by way of Retort, That if we should be so miserable, as not to have our just Rights by Parliaments, the Divine Vengeance (I doubt not) will reach those Villains, that have so eagerly labour'd, Night and Day, to unhinge the Government. For he that is against the Parliament, is not only against his own Right and Privilege, but against the Foundation of our Government; and he that knows not that, I will adventure to pronounce him much more an *Ignoramus* than the Justice himself. But because the Justice in this Page threatens the Dissenters with the Scepter, he may know, that all Scepters are, or ought to be Scepters of Righteousness, and to preserve, not to destroy, the Innocent. And those Dissenters, whatever Opinion the Justice may have, think themselves as little concerned in that, as the Justice himself, they having as much Reason on their side to be shelter'd under that righteous Scepter, as his Worship.

In the next place, it cannot be well pass'd over, the Text of Scripture in this fourth Page the Justice quotes, that is, *The Children of this World are wiser in their Generation than the Children of Light*: which the Justice alludes to the Phanaticks taking one another's Paper, and not buying and selling, or trading with any but their own Party. Now they will, saith the Justice, *have no manner of Commerce with the Church Party; and that is to set up a Common-wealth in a Kingdom, a most dangerous thing.* This is indeed a home Charge, and as much Fallhood and Malice appears in it, as ever was. But we know whom the Justice had this Sentence from, no other than those Instruments the Jesuits, whose Motto is, *Divide & impera.* And here the Justice hath most exactly followed their Counsel: For in what Terms could he have more fully declared the Intentions of dividing, than in asserting, That the Dissenters will commerce with no Body but themselves, and are setting up a Common-wealth in a Kingdom, without giving one Example, or Colour to prove such a Design in them? And it may be asked the Justice, Who it is can do more at one time to divide us than such a Speech? But why must the Dissenters Trading together, and taking one another's Paper, Be a Design against the Government, more than of those that call themselves the Church-Party? Is it not as lawful for one as well as the other Sort, to trade with whom they will, and to eat and drink with whom

they please? If so, then it is most plain, the boasting Church-Men do feast together often, and associate themselves in Clubs, Cabals, Taverns, and Coffee-Houses, and divers other Places, both Sundays and Working-Days, to manage the Cause which the Justice aims at; and the Church-men in reality, as they would be accounted, (such as they are) have in reality stuck by their Champion *Cradock* so far, that no less than two Knights, and four or five Esquires and Gentlemen, to save their Brother *Cradock*, have joined together in a solemn Oath before the Judg, that the Earl of *Shaftsbury* doth live in *Thanet*-House, and is a great Trader in the City. I am confident, the Justice cannot shew us any such voluntary Oath of Men of their Quality, that ever did so far take one anothers Parts among the Dissenters, as to Sweat in Clubs.

So after the Justice had shewed the Dissenters Dealings, of laying their Heads together in disturbing the Peace, in the next place, *pag.* 5. he tells us in praise of the Church Party, and in opposition to the Dissenters, that they (the Church Party) are good honest Men in these Words, *viz. The Church Party, the Children of Light, they trust in a good Cause, put out their own Eyes, and will neither see their Danger or Interest, most of them endeavour to build upon their own Ground, and raise to themselves Pyramids of Honour and Riches, and have not minded such of the same Party, who are forced to shift for themselves as well as they can.* Now I would have the ingenuous Church-Men consider, what a great deal of Honour this Gentleman hath done them, he has, to vindicate them, called them blind Fools, nay, such Fools, that no brute Beasts can be worse; what is it I pray you to them, to put out their own Eyes, and not see for themselves, and when that is done, he tells us, it is the only way to get Riches. If this be the way of the Children of Light to put out their own Eyes, and trust to others, I pray God, with all my Heart, that I may be in Darkness still, and that this Child of Light, tho a Church-Man, may get Honour, and in his own way, for my part I will neither envy his, nor his Church-Men's Happiness as to their Wisdom, nor as to their Honour and Riches; but this I may say, that had the Church of *England* men received such a Vilifying, from a Dissenter, as this, certainly they would have called loudly for Satisfaction, either from the Court Christian, or our Temporal Courts; What, call them such Fools! and treat them as such as will pull out their own Eyes and not see, can the Church-Men forgive this? I dare not say they cannot, because some of them are Men of great Charity, but were it not for that, doubtless such an Affront as this, would be enough to raise the whole Tribe Clergy about the Knights Eyes; for in effect he calls them blind Papists, for none but those poor deluded Souls, that

that ever live in the Light of the Sun, would rather trust other Folks Eyes than their own.

Well, but what must not a Justice make a slip, but there must be all this notice taken? yes sure, he may be allowed many when he means well: for in this whole Speech, if you observe it, and if you believe himself, *He doth say, and do, all for the Established Church, and the Publick Good.* Now then, if so, he ought to have Mercy shewn him. In the next place, you will find he deserves it too, because the Dissenters in this *Page*, are made by the same Man, *Coblers, and nothing but their Last is their Coat*, and so scarce is he of them, *If*, as he saith, *the Cards should be shuffled again, that these Coblers will have all the Shoes, and himself go Bare-foot*; that he advises here in this Page, *That it is not prudent to trust them, tho they are contented with their own Vertue*; a most strange Paradox! what if they will be contented with their own Vertue, shan't they be let alone? it is mighty hard, especially, when, in the next place, he himself commends Vertue as a choice Plant, or Tree that bears excellent Fruit; and saith he, *The Gardiners must nourish and cherish this Plant and Tree, or else in time this Tree will bear sower Fruit*; that is, I suppose, he means the Magistrate, and you Grand Inquest-men, you must Present these Dissenters that we may get some of their Money, lop off their loose Twigs, and Wild-Sprigs, that makes them too rich and too proud, and then their Fruit will be Savoury, such as I like; for tho I like not the Men, yet their Money I like, and so do all their Enemies: but to quiet the Church, whom before he abused, he now makes them full amends again, for saith he in this *Page*, viz. *I hope for the Honour of the King, and Safety of the Government, no Man for the future shall be employed, until he be first sifted, and winnowed, and if any Grain of Faction be found in him, he shall be laid aside:* But then Sir *W.* What will you do, and your Addressers? Do you not remember, Sir *W.* the very day you made this learned Speech? when you and the rest of the Tribe were withdrawn out of the Court, you propounded, or at least abetted, one of the greatest pieces of Faction that ever was done in *England* this 20 Years, except *E. H.* which was. It was urged among you Justices, to Address His Majesty, that he would be pleased to keep the Duke by him at home to join with him in the Government, or at least to assist him therein? Pray Sir *W.* had you gone on in this Address, had it not been the height of Faction and Sedition, if not High-Treason, in designing to alter the Government? What, are you in such haste, that you cannot stay the time, must Popery and Protestantism be joined together in our days? Pray Sir, mind your before your next Speech, consider it well; and tho you abhor the Parliaments, because they would

would have no Popish Successor, yet methinks you should not dig a Grave for our King and Government, while he is alive: and what other construction sober thinking Men, as you call them, can make of such Designs, time may shew; but for your placing so much upon that Text, *By me Kings Reign, and Princes decree Justice*; I know not what you mean, unless you would by that Scripture insinuate, that because there is such a place of Scripture, therefore the People should have no Law of the Land to be their Standard, but the Will of the Prince to be absolute, Lord Paramount, above all Laws, and no Bounds to be set by the Law of the Land: if so, our Ancestors were Fools to make the Coronation Oath, and the good Statutes, with divers others before recited. But Sir *W.* all this you do to be Great, and by this it may be you may be so fond, as to believe you make the King great too, tho it be the quite contrary way; nay, such Men as you that take away all Law, do totally lessen both the Prince, the Nation, and the Government; for if the King have no better Title than his Sword, or the *Jure Divino*-ship you speak off, then *Lord have Mercy on him*. For you Sir *W.* by the same Rule, tho but an Attorneys Son, if you can but make your self popular enough, and get a long Sword, cased with a Pretence of a Divine Right, you may be King as well as any, only, I think, if you should do so, and not make your Sword long enough, you may chance to find, that the *Jure Regnum*, would spoil your *Jure Divino*.

But to please you in something, and not to thwart all your dark Sayings, so hard to be understood; we will for once, as you insinuate, allow that Government is *Jure Divino*, and the Ordinance of God, but the Modes and Forms were ever yet left to Man, which in all Countries whatsoever, have been chalked out by the People themselves, for their Weal and Government. And if our ancient Records may be credited, no Nation under Heaven ever established better Rules for Government, than this Kingdom hath done; for here, neither the Prince can by Law hurt the People, nor the People the Prince, and the Law is the Standard between them and the Protector of both: which, sure Sir *W.* you ought to have known, or at least to have shown us; what Text of Scripture it is that establisheth our Kings in *England*, and gives them Authority above the Laws, but when you have said all, the Kingship of *England* is but an Office, and a Trust reposed in them by the Law of the Land, under your good Favour: And they are made Kings by Humane Laws, but to whom the Kings of *England* are accountable, I am not to question, nor do I think it fit for you. And for your saying the King ought not to be importuned by the People, to do any thing which he knows is contrary to

his

his Duty and Truſt; I ſay ſo too: but how this will amend the Matter, or plead for your deſigning to join ſome Perſon with him, as was told you before, I know not, but by the Rule of Contrary, If the People ought not to importune the King, nor he to grant what is not juſt, as is clear they ought not; then ſure, both the People ought to importune the King, and he to grant them all that is Juſt and Right, and what by the Law, and his Sacred Oath he is bound to do. And then Sir *W.* I will take leave to tell you, and make you beſt on it, that the People ought in this imminent time of danger, both from your Friends the Papiſts at home, and the dangers from abroad, to importune the King for a Parliament, as their Right by Law, according to the Statutes of *Edw.* the 3d: And if you are ſo conſcientious a Man, and mean for the Law and right Government of *England*, as you pretend, I do not doubt in the leaſt, but you will help forward ſuch a Petition; and ſince the Juſtice tells us, that a Prince muſt be juſt againſt the importuning of his Subjects: I hope Sir *W.* you that ſay ſo, will not be ſo unjuſt as not to begin ſo good a work, ſince you have ever had the knack of Addreſſing.

And now we are in the ſixth Page come to Sir *W.*'s Hear-ſay, that is, *The King, I have heard, was preſſed to exclude the D. of Y. Pray*, ſaith the Juſtice, *examine the Juſtice of that? can it be juſt, ſhall he be puniſh in preſenti for a Fault to be committed* in futuro? Divine Sir *William!* he muſt ſtill have a fling at the Parliament, it is as good Leachery to him to ſcratch there, as to be a ſtanding Stallion in another place: well, but this is a grand Fault of the Parliament no doubt: What, puniſh a Man before he had committed any Fault, as he tells the Grand Jury! ſurely they would not find a Bill againſt any Man for a Fault that might be committed! Now obſerve the cunning of this Abuſe that he would fain put upon the unthinking People, of a Wrong the Parliament was about; pray who was, or who would have been wronged if ſuch a Bill had paſſed? altho for my own part, I ever thought there were other Bills more needful. Is it not ſtrange the whole Nation in a Body in three ſeveral Parliaments, could be ſo fooliſh and wicked, as not to ſee the Sin and Evil of this thing, as well as the Juſtice? and the Juſtice then ſaid nothing, nor was ſo kind to give his Advice. But the Juſtice will miſtake the Caſe, he looks upon the Duke as in Poſſeſſion, and not as a Subject; and he looks upon the ſingle Subject, this one Man, to be of more value than all the Subjects Good and Welfare of *England*: and to put a blind upon the World, tops upon us the D's divine Right to be King here over us, and as natural for him to be our King as to do the Office of Nature. Now I always thought the Kingſhip of *England*, as is before hinted, is by the

Law

Law of the Land, and no otherwise, and that every King in this Kingdom, is, or ought to be, the Supream Magistrate for the Peoples Good. But if a Prince be born a Fool, an Ideot, or become a mad Man, how can that Man be thought to reign for the Peoples Good? Now if such a thing should happen, may not the King and People, then in being altogether, as in all Ages they have done, chuse another more fit to govern in that Office? is there any Injustice in this? is there any more than common Prudence? and would they be just to themselves if they should do otherwise? Where is the Wrong to the mad Man? He is bereaved of his Senses, must therefore the People be so too? And in all Ages hath not the Crown of *England* been settled by the King and Parliament? and have not Forreigners done the same? witness the *Portugals*, they did not only put by a Subject, not fit to reign by his Folly, but put by, and do still to this day, their King, when in actual Possession, because of his Infirmities otherwise they had sinned against the very Law of Nature, for that teaches us self Preservation. But so much hath been said already by abler Heads, as to this most ridiculous, nonsensical Notion, that I thought no Man pretending to common Sense, would have dared to have been so bold as to have mentioned such a thing, or to arraign the Judgment of the whole Nation.

And now after the Justice hath thus spent the time in ranting and beating the Air about this unjust Design of the Parliament, he comes in the next place with his Thunder-bolts to affright and terrify the Parliament, and all other thinking Men, from acting according to their own Reason. For in the 7th Page he tells the Jury, *viz. And it could not be expected that the Duke should have sat still under such an indignity, and if he had, the Princes of Christendom, to whom he is allied, (and to many of the greatest) would have taken up the Quarrel, and then our Fields of Peace should have been turned into Fields of Blood; so then the Parliament of* England, *of which the King is the Head, must be afraid to provide for the Safety of the Nation against Misery and Ruine, because one of the King's Subjects hath great Friends abroad, and will fight his Quarrel.* Sure should a Phanatick have said but half so much, he had been over head and ears in the Crown-Office, and well he might; what, must *England* be afraid to do right, and upon one of her own Subjects, because of the Dukes Friends abroad? Certainly *England* was never so low and cowardly yet, as to fear to provide for their own Safety, for fear of the Princes abroad. Pray why did not *Portugal*, consider that? and why did not the *French* King at first send and advise with the Pope, before he caused to be confirmed and registred, as lately, a Rule for the time to come in his Dominions, that the Clergy of *France* was an independent thing from that of *Rome*, and

that

that the Pope is not infallible. Doth the Justice think, that the King of France now did not run as great an hazard of the Pope's and other Princes ill resenting this, as we should have done in *England*, if we in *England* had secured the Nation from a Popish Successor. And for the Justice telling us, and putting us in mind of the Blood that was spilt between the two Houses of *York* and *Lancaster* in their difference about the Crown, it is a most strange thing that he hath no more Understanding in him, than to compare this of this Parliaments Actings about the Duke, which was the sense of the whole Nation, with that of those of *York* and *Lancaster*, when all Stories tell us that the Nation in those times was divided, and it was doubtful of whose side the Right was, and here in this Case the whole Nation, all of one side, would have put the thing all out of doubt by Law, to prevent future Mischiefs this Parliament did intend; and so far are these two Cases different, that the Parliament foreseeing such Dangers that might arise as before, and such bloody times again, that it made them go about to take all possible care to prevent it in time to come; and yet you Mr. Justice, and the rest of your Abhorrers, are angry with them for it, tho you tell us, we must have a care of such Times as were in those Days.

But now to the proper Work of the Jury; for all this while it is not certainly known what all his former Discourse meant, or whom he discoursed to, therefore now he tells you, it is to acquaint the Jury with the Laws and Statutes of the Kingdom, and therein the Statute of the 13*th* of this King; which is well done of the Justice: And he tells you, *That that Statute provided for the Preservation of the King's Person and Government.* So then, it was not made to preserve the Duke, nor to join him in the Government, that is clear; and if so, how suitable that Attempt was of his, for doing any such thing as before was hinted, ought to be considered. And the Justice tells us, *The Statute provides against setting up of Votes of one or both Houses of Parliament, to be as effectual as Law.* What the Justice means by this, unless, as I said before, that he meant the Grand-Jury should present the Parliament, is not known; for since the King came in, no Parliament ever offered at any such thing; nor can he shew any such printed Pamphlets, as he speaks of, walking about our Streets, that do assert such a Doctrine, unless by some of the Justices contriving. Therefore he must mean, he hates all Votes of Parliament, and them too. And I dare say, he would not for a World have any Laws repealed neither, tho never so destructive to the Government; for if he did mean otherwise, he would not quarrel with their Votes, which lead to the repealing of such Laws as are destructive to

 common

common Good. In the next place, where he saith, *They have printed Votes to give check to Laws*: Pray what Laws doth he mean? Or did the Parliament ever flie out of their due Bounds? Or is he angry, because they did repeal the *Act de Hæretico comburendo*? Or that the two Houses had both voted and passed the Bill, for the Repeal of the 35*th* of *Eliz.*? Or angry with the Parliament, for voting and bringing in Bills for the Repeal of the Laws made against the Dissenters? Sure Sir *W.* who was so long in the Pensionary Parliament, must needs know, that Votes as well as Debates must be in either House, to shew their Sense of what is good for the Nation, and what must be had before they can bring it into an Act; and will Sir *W.* quarrel with them for that too? It is really something hard, Sir *W.* that a Man of your Honour should be so severe upon those Gentlemen, as not only not to give them a good Word behind their Backs, but to compare them to *Nero*, and cursed *Cham*, that uncovered his Father's Nakedness; which you do in this Page, unless you can better discover your own Sence than the Words have shewed. And surely when you consider again, you will not call it the ripping open their Mothers Bellies, (that is, the Common-Wealth, as you call it,) for the Parliament to pass Votes, to repeal such Laws as they think prejudicial to the Life and Preservation of this Common-Wealth, our Mother, as you term it.

Now for the good Counsel he gives to the Jury, and for the Cleanness of his Hands, Uprightness of his Mind, being freed from ambitious Thoughts, his not doing any thing to the Hurt and Prejudice of God, the King, or his Country, and all other his divine Insinuations, as he in this Page expresses, I shall wholly leave himself to himself, only desire him to examine himself by what hath been afore-hinted; and if he find *Ignoramus* there, I shall not be much concerned. But since the Justice warns us from the Word of God, in this page, against Perjury and Subornation, and pronounces the dreadful Sentence of *Ita maledicit* so often in his Speech against such, he would (methinks) have done well the last Summer-Sessions, as is before hinted, not to have hindred those Bills of Indictment when brought there, being presented and tendred. But it may be since that he hath seen his Error, and therefore in this Speech is resolved, both for the time to come, to amend it himself, and also encourage others; a blessed Reformation! if it be really so: But if by Craft or Dissimulation, all this be done to colour what he did before, then the very *Ita maledicit* he pronounces against others, may chance to light upon his own Face; but far is the Author from wishing such a severe Sentence upon the Noble Justice, whatever secret sticks and clandestinely wishes against others.

And

And now after the Justice hath read this Lecture of Christianity, he comes in *pag.* 9. to tell the Court and the Jury of the Rarity and Excellency of the Thing called *Grand-Juries*, and tells them, *It is the Honour of the Government to have them.* Well then, since it is so, and that it cannot be denied, it is a great deal of pity, that the Justice, and others of his Coat, have not taken more care to preserve their Reputation, but have suffered not only the *Gazette*, but other scandalous Libels to walk about the Streets, and defame them, as late Times have most notoriously shown. But this (I conceive) came into his Head by the by, a meer Accident in the Justice's Speech; for by what goes before, and what follows, it appears plain, he did not intend them any Honour, but only had some other meaning, as may be easily discerned, if we compare the Whole of his Discourse, and what he and the rest of the Justices did sometimes since at *Hicks*'s Hall, endeavouring to curtail the Grand-Juries, and to strike out, and put in whom they pleased, when there was a Job to do, at the time when the Lord *Shaftsbury*, Lord *Howard*, Mr. *Whitaker*, and others, were in the Tower. O then what a Speech was made to the Under-Sheriff to alter his Pannel! and what Conscience and Religion was press'd to have it done, by this very Justice! And if the Sheriff had yielded that Point, then the Subornation had taken effect, and the Work done upon the innocent Prisoners in the Tower, *contra omnes Gentes.*

But because Sir *W.* is pleased to top upon the World with his Loyalty, and to shew it, pretends to extol in this Page the Happiness of the Nation, that the Kings of *England* have by their Prerogative always had the nominating of Sheriffs, by which the Grand Juries are returned: I shall crave leave a little to speak to that Point, not that I deny it to be in the King in some measure, as the Statutes have settled it; but the Justice mistakes the Case, as will appear, if the thing be well and throughly considered, and what this Justice aims at, ought also to be fully searched into: but that I may not seem to misconstrue the Justice, I shall set down his Words in this Page, *viz. Grand Juries have always been deemed the Honour of the Government, and the great Security of the Lives and Liberties of the Subjects; they are to be* probi & legales Homines, *and so it is a Golden Chain, as well for Ornament as Security: if they should prove otherwise, this Chain of Gold would be turned into Fetters of Iron and Brass, and we should be greater Slaves here in* England *than they are in* Algier. *Our Ancestors have taken great Care that Grand Juries should be such as they ought to be, and as you may see the Statutes made in that Case provide, but for all that, it is happy for the People, that the King hath the Nomination of Sheriffs, by whom*

the Juries are to be returned, it is a Prerogative of great Confidence, and not to be entrusted into the hands of any Subject or Subjects whatsoever. Now as to his Commendation of the Constitution of the Government relating to Juries, as being a sacred thing, there is no doubt of that, and we hope it will never be in his Power, or in the Power of any Lady, Justice, or Magistrate in *England* to alter that Fundamental Constitution which our wise Ancestors have laid, that make us both a free and safe People; for by that means no ambitious or foolish Prince, who led away by Court-Flatterers, and pernicious Counsels can hurt the Subject, so powerfully as otherwise they might do; Every Man's Life and Estate here by this means are safe, and cannot be touched or taken from him, but by the Approbation and Consent of his Peers, and they must be of the Vicinage, and *probi & legales Homines*, as the Justice observes; but because the Justice is pleased to expresse himself, or rather to flatter the Kings of *England*, that by their Prerogative they have the sole right of chusing of Sheriffs. And that it is the Happiness of the Nation that the Subjects do it not. I must crave leave to put the Justice to mind of the ancient Practice in that very Case of choice of Sheriffs, and also shew that in all probability the whole Body of the County have been as fit to see and chuse who is fit to serve the County in the Office of Sheriff, as Kings, who do but see often times with other Mens Eyes, and hear with other Mens Ears; and often times led by the Nose of some Persons about them, as either work their own Ends, or the Ends and Interest of their Friends, and not the Countries Good. For who knows not, but that the old saying is true in Princes Courts, *Kissing goes by Favour.* But to answer the Justice, I do say, and aver from ancient Records, the People of the several Shires in *England* had the sole right of chusing their Sheriffs without the King's Appointment, Consent, or Nomination, and that was the Law of the Land; and if it be not now so, yet it is but some late Statutes that have abridged the Counties of their Choice. And to shew that I do not mistake the Point, I have inserted a new Copy of the Record which is by me; and that is, a Statute made in the Confirmation of Ancient Right too in the Roll of Parliament, made at *Westminster* in the 28 *E.* 1. cap. 8. The Title of the Statute is this, *viz. The Inhabitants of every County shall make Choice of their Sheriffs, being not of Fee*, the words are these, *viz. The King hath granted unto his People, that they shall have the Election of their Sheriffs in every Shire where the Sheriffalty is not of Fee, if they will.* To this Statute agree our Law-Books; See *Cook's Institutes*, and this Statute in the same Roll, 14th Chapter is again confirmed and explained, the Statute begins thus, *viz. And for as much as*

Rot. 2. 28. E. 1. An. 1300. Cook on Lit. 2d part, 559.

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the King hath granted the Election of Sheriffs to the Comment of the Shire; the King will that they shall chuse such Sheriffs that shall not charge them, and that they shall not put any Officers in Authority for Rewards or Bribes, and such as shall not lodge so oft in one place, nor with poor Persons, or Men of Religion. Indeed after this in *Edward* the second's time, Power was given at the Complaint of the Commons in Parliament, That the Chancellor, Treasurer, Barons of the Exchequer should appoint the Sheriffs of each County; and how far this last abrogates the former Statutes, I must leave to the judicious Reader. But except the Justice can shew me some other Statute, I cannot see how he can make good his Assertion of the Right to be in the Kings of *England* by their Prerogative to chuse Sheriffs, no more than he can make good his own infallibility. And why he should stir such a Point with so little ground, I cannot imagine, unless he was resolved to put on a *Janus* Face, and intended to row one way when he looked another.

And now for this Gentleman to pretend to exalt the Prerogative, and to cry out for that, as he doth, and yet at the same time lay so many false Surmises, is strange. But I conceive his Design is to destroy the Law and the Government, or when he speaks of the Prerogative in general, he intends some for himself; but if he should, that cannot be altogether strange neither, since we know very well both now and heretofore, even in all Ages, Men that are set upon their own Lusts and Pleasures, have been crying up the King's Prerogative, and damning the Law, only, that thereby they might, under Monarchy, exercise a greater Prerogative over their Fellow-Subjects, without any Account to be given to the Law, than the true King doth over his Subjects; for it oftentimes happens, that Persons in great Command and Authority under the King, do more enslave the People than the King ever meant or intended, and hide all from the King with this Cheat, that they are Loyal; and whoever is not contented with his domineering, is represented to the King by that Flatterer, as the King's great Enemy. And so Kings oft-times both live and die blindfold, never seeing or hearing any Thing, much less any Complaints, but what the Oppressor pleases. And that undoubtedly must not be much, for it must be the Courtier's Policy, that hath once dipped himself in Roguery, both to hide it himself, and endeavour to prevent all Persons else from discovering it. And this is the true and only Reason why these Loyal Boys hate and cry down Parliaments; for if they once come, the Court-Knaves are undone, every thing then being brought to the Light, and it may be, the King undeceived, and these Miscreants punished.

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But Sir *W.* to wind up all, now your Hand is in for Abhorrences, go through-ſtitch, ſet an Abhorrence on Foot for the abhorring of Parliaments too, and doubt not but among your Adherers the Project will take, and then you and they are ſafe, without the Devil ſhould cheat you, and a Parliament come when you leaſt think on't; but do not let him cheat you into the belief that there will be no more: you know the Law ſaith, we ought to have it, and the King hath ſaid, we ſhall have Parliaments, and that he will govern according to Law; and remember, if it ſhould be yet ſeven Years time before it come, yet it may come too ſoon for your ſtore.

I have but one Word more to the Juſtices, your Aſſociates, who bring up the Rear of your Speech, they being elevated, and wrapp'd up as it were in the third Heaven, thought it not enough for themſelves to be happy, with the hearing of this profound Diſcourſe, but out of their good Nature, were deſirous to communicate it to the World; and tho it be ſomething ſtrange, that Charges to Grand Juries, ſhould be publiſhed in Print, as they ſeem to allow, when they ſay the reaſon why 'twas publiſh'd, was to prevent Miſrepreſentation, which they had obſerved already from *Janeway's* Paper; yet it was pitty ſuch a Diſcourſe ſhould be hid in that Grand Jury's Breaſt, to whom it was ſpoken, and therefore the Juſtices order the Printing thereof. And who is to draw up the Order, but their wiſe Clerk of the Peace, who undoubtedly did it, and it may eaſily be proved to be his own, not only from his putting his Name to it, but from its reſembling his former Draught, and Orders about the Conſtables to turn Informers againſt Conventicles. The Order begins thus, *viz.* Ordered by this Court, *That the Charge given in Seſſions by Sir* W. S. *be Printed, and that the Thanks of this Bench be given to Sir* W.S. *for his prudent Care and conſtant Endeavour in the management of Affairs, for the preſervation of the publick Peace, and his Majeſties Government. And this Court doth declare, they will adhere to Sir* W. S. *and ſtand by him.*

Well, be it ſo, that the Thanks be given for his prudent Management, and his conſtant Care for the publick Peace, and His Majeſties Government. But now, how if Sir *W.* ſhould die, or be put out of Commiſſion, which way then muſt His Majeſties Government be preſerved? truly by this Order it ſeems as if the very Government would be in danger, if not utterly loſt now. How the preſervation of His Majeſties Government is upheld, or can be upheld by this ſingle Juſtice alone, ſeems ſtrange, for they ſeem to put it, as if by his prudent Management of Affairs, the Government was upheld; if ſo, I hope His Majeſty will never part with this Knight, for fear of the worſt. Well, but how comes

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it to pass, that all the rest of the Justices that admire him, have not done the same? what do they cast all the whole burden of the Peace and Government, upon one poor Knight's Shoulders, and he but a thin Man neither? for Shame to themselves, they should not have attributed all to him: but this shews them as insufficient Men, as well as good natur'd to Sir *W.* But by their next Words, *viz. And this Court doth declare they will adhere to Sir* W. S. *and stand by him*, &c. If Lives and Fortunes had been put too, then there had been ground for the Whigs to abhorr'd too. What will the Justices set up Sir *W.* to any thing like Royal Majesty, or to be chief of the Government, that these Gentlemen, called Justices, will both adhere to him, and stand by him? What can they mean, but to devote themselves to his Service, instead of the Kings? and what can they mean by their standing by him, but in a Warlike Posture to defend him, when he shall command their Service? nor can any rational Man put any other construction on the Words. And since that is the construction, what is this but an Association of the Justices to set up Sir *W.* instead of the Government, or at least to be one of the chief in it? And when they have brought their Ends about, that Sir *W.* is to be exalted, then I doubt not but their Clerk, Mr. *Adderly*, shall be Secretary to that great Heroe, where we leave them to caress themselves within their own Shadows, until another fit opportunity.

FINIS.